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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: HIROSHI NAGAI ET AL.

Serial No.: 09/647,522 Group Art Unit: 1653

Filed: DECEMBER 1, 2000 Examiner: Schnizer, Holly G.

TECH CENTER 1600/2900

Title: NOVEL HEMOLYTIC ACTIVE PROTEINS AND GENES
ENCODING THE SAME

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.97 and 1.98**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

Items AM, AN, and AO on the attached PTO-1449 were first cited in the International Search Report dated June 29, 1999. A copy of the PCT/ISA/210 is attached, listing those references. The references were transmitted to the U.S. Patent and Trademark Office by the International Search Report, applicants therefore are not submitting duplicate copies thereof.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action or Notice of Allowance (whichever is earlier), and therefore Applicant is filing concurrently herewith the following Statement under 37 CFR §1.97(e). No fee under 37 CFR §1.17(p) is required.

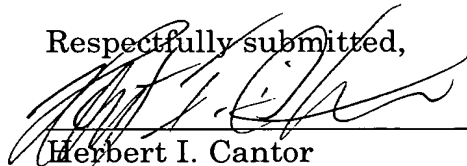
I hereby certify that each new item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

A copy of the European Patent Office Search Report is enclosed, citing references AM, AP, and AQ. Item AM was cited in the International Search Report and was already been transmitted to the U.S. Patent and Trademark Office. Item AP was cited by the Examiner on form PTO-892 (item V), part of Paper no. 8, the pending action. Accordingly, item AP is already available to the Examiner and is not enclosed. Item AQ is believed to be newly cited, therefore a copy of this reference is enclosed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

October 15, 2002

Respectfully submitted,



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